

Amendment No. 2 to SB3217

Jackson
Signature of Sponsor

AMEND Senate Bill No. 3217*

House Bill No. 3467

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

by deleting subsection (d) of Section 40-39-208 of the amendatory language of SECTION 1 and substituting instead the following:

(d)

(1) In a prosecution for a violation of this section, upon the request of a district attorney general, law enforcement agency, the board of probation and parole, or its officers, or a court of competent jurisdiction, and for any lawful purpose permitted by this part, the records custodian of the TBI's centralized records system of offender registration, verification and tracking information (SOR) shall provide the requesting agency with certified copies of specified records being maintained in the registry.

(2) The records custodian providing copies of records to a requesting agency pursuant to subdivision (1), shall attach the following certification:

I, _____, HAVING BEEN APPOINTED BY THE DIRECTOR OF THE TENNESSEE BUREAU OF INVESTIGATION AS CUSTODIAN OF THE BUREAU'S CENTRALIZED RECORDS SYSTEM OF SEXUAL AND VIOLENT SEXUAL OFFENDERS, REGISTRATION, VERIFICATION AND TRACKING INFORMATION (SOR), HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF THE RECORDS MAINTAINED WITHIN SAID REGISTRY.

SIGNATURE

TITLE

AFFIX THE BUREAU SEAL HERE

FURTHER AMEND by deleting the final sentence of subsection (f) of Section 40-39-207 of the amendatory language of SECTION 1 and substituting instead the following:

The TBI official who denied the request for termination of registration requirements may submit an affidavit to the court detailing the reasons such request was denied.

FURTHER AMEND by adding the following new SECTION 3 and SECTION 4 and by renumbering subsequent sections accordingly.

SECTION 3. If the provisions of this act are declared to be invalid, the provisions of Tennessee Code Annotated, Title 40, Chapter 39, Part 1, as such part existed on July 31, 2004, shall be revived and take full force and effect. It is the intent of the general assembly that, if this act is declared invalid, the prior law shall immediately govern and regulate the registration, verification and tracking of sexual offenders in this state.

SECTION 4. Effective August 1, 2004, Tennessee Code Annotated, Title 40, Chapter 39, Part 1, is amended by deleting the part in its entirety. All sexual offenders who were, prior to such date, subject to the provisions of Tennessee Code Annotated, Title 40, Chapter 39, Part 1, shall, on and after such date, be subject to the provisions of Tennessee Code Annotated, Title 40, Chapter 39, Part 2, created by this act.